

**Sullivan County Full Delegation Meeting Minutes**  
**6/1/11**  
**State House Cafeteria, Concord, NH**

Delegation Members Present: Reps. Beverly Rodeschin, Philip "Joe" Osgood, John Cloutier, Andrew Schmidt, Benjamin Lefebvre,

Delegation Members Absent: Reps. Thomas Howard, Steven Smith, Steven Cunningham, Thomas Laware, Charlene Marcotte Lovett, Spec Bowers, Paul LaCasse, Raymond Gagnon

County Elected Officials Present: County Attorney Marc Hathaway

Delegation chair, Rep. Rodeschin, opened meeting at about 9:10 am, and announced that there was no quorum (Seven delegates constitute a quorum, but only five were present) for the meeting due to the fact that the absent delegation members were presently in a previously-unannounced House of Representatives Session that had started at 9:00 am.

Rep. Osgood moved, Rep. Cloutier seconded a motion to recess the delegation meeting until after the end of today's session in Room 209 of the Legislative Office Building in Concord.

Rep. Osgood requested Mr. Hathaway, who was invited to the delegation meeting to discuss some proposed items on the agenda to either return to the recessed meeting later today or be available via speakerphone later today for discussion purposes. Mr. Hathaway agreed to do one of Rep. Osgood's two requests.

Delegation members present approved recess motion unanimously at about 9:15 am.

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Delegation Chair Rep. Rodeschin resumed earlier recessed meeting from about 9:15 am at about 1:00 pm.

Rep. Lefebvre moved Rep. Laware seconded a motion to adopt the minutes of the April 20, 2011 meeting as printed. Motion approved unanimously by voice vote.

The Chair announced that Rep. Steven Smith had resigned as Delegation Clerk, effectively immediately.



Rep. Rodeschin moved, Rep. Laware seconded a motion to nominate Rep. Cloutier as the new Clerk. No other nominations were made. Rep. Cloutier was elected Clerk by unanimous voice vote.

The chair then went to discuss approving two leases of County properties as proposed by the County Commissioners. The first was between the Commissioners and Patrick and April Bartley. The second was between the Commissioners and William Leavitt of Sunapee for the use of the Sugarbush. Both properties are in Unity.

County Attorney Hathaway was on hand to answer questions about the proposed leases as well as some letters and emails from Unity Planning Board Chair Ethel Jarvis, who is opposed to the leases. These letters and emails (Dated 4-28-11, 5-3-11, 5-17-11) were distributed to all delegates as well as the proposed leases.

Mr. Hathaway said in response to a question from Rep. Bowers that he is not sure whether Mrs. Jarvis was acting on her own volition as Unity Planning Board Chair, or on behalf of the entire Planning Board. But he added that whether Mrs. Jarvis was acting independently or not is irrelevant to his legal opinion. An opinion that states that the proposed leases between the Commissioners as well as the involved parties does not violate Unity Planning Board regulations.

Rep. Schmidt raised concern about the lack of an indemnity agreement in the proposed lease with the Bartleys, and suggested including such an agreement.

Mr. Hathaway continued to answer questions from delegates. Said he had asked Mrs. Jarvis for a response to his 5-17-11 letter to her in regard to the proposed leases. Said that he had received no response from her as of today, and her silence was "deafening."

Rep. Cloutier reported that the Executive Finance Committee had voted 4-0 at its May 23 meeting to recommend that the full delegation approve the leases. Said that he had voted for the recommendation because not approving the proposed leases would hurt not only Sullivan County but Unity as well. Rep. Cunningham questioned why the delegation couldn't meet with the Unity Planning Board on this issue.

Rep. Schmidt moved Rep. Osgood seconded a motion that the delegation approve the lease of two acres of land with the promise that the tenant provide an indemnity agreement.

Rep. Smith asked why the proposed lease with the Bartleys had to be approved today.

Rep. Gagnon said that while he appreciated Rep. Cunningham's and Rep. Smith's concerns, he was respective of the separate roles of the Commissioners and delegation and was interested to learn that one of the Commissioners, a Unity resident and former town official, voted to approve the proposed lease.

Rep. Osgood moved Rep. Howard seconded a motion to call the question. Call-the-question motion was approved on an 11-2 show of hands vote (Reps. LaCasse and Cunningham voted "NO").

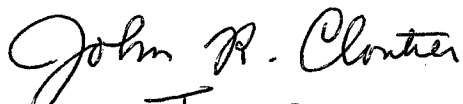
Original motion was then approved by a unanimous 13-0 show of hands vote.

Rep. Schmidt moved, Rep. Lovett seconded a motion that the delegation approve the lease of the Sullivan County Sugarbush, and that the tenant, or leasee, provide an indemnity agreement.

Motion was approved a unanimous 13-0 show of hands vote.

Rep. Smith moved, Rep. Cloutier seconded a motion to adjourn at 2:00 pm.

Rep. John R. Cloutier  
Clerk



Date Approved: June 30, 2011